

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Arturo Leal-Monroy,

Defendant.

Case No. 18-cr-61 (MJD/SER)

**REPORT AND
RECOMMENDATION**

Diane Dodd, Esq., United States Attorney's Office, Minneapolis, Minnesota, for Plaintiff.

Douglas Olson, Esq., Office of the Federal Defender, Minneapolis, Minnesota, for Defendant.

STEVEN E. RAU, United States Magistrate Judge

The above-captioned case comes before the undersigned on Defendant Arturo Leal-Monroy's ("Leal-Monroy") Motion to Suppress Statements, Admissions, and Answers ("Motion to Suppress") [Doc. No. 22]. This matter was referred for the resolution of pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(B)–(C) and District of Minnesota Local Rule 72.1. For the reasons stated below, the Court recommends that the Motion to Suppress be denied.

On March 20, 2018, Leal-Monroy was indicted with one count of reentry of a removed alien in violation of 8 U.S.C. §§ 1326(a) and 1326(b)(2) and 6 U.S.C. §§ 202 and 557. (Indictment) [Doc. No. 1]. Leal-Monroy filed several pretrial motions, including the Motion to Suppress, and a hearing was held on May 7, 2018. (Minute Entry Dated May 7, 2018) [Doc. No. 26]. The Court heard testimony from one witness and received two exhibits into evidence. (Ex. & Witness List) [Doc. No. 27]. The Court requested supplemental briefing.

In his Motion to Suppress, Leal-Monroy challenged "all statements, admissions and answers made by [him] prior to, at the time of, or subsequent to his arrest." In his supplemental

briefing, Leal-Monroy challenges only those statements made after his arrest. (Def.'s Post-Hr'g Mem.) [Doc. No. 33 at 3]. In response, Plaintiff the United States of America (the "Government") asserts the Motion to Suppress is moot because the Government interprets Leal-Monroy's briefing to mean that he is not seeking to suppress pre-arrest statements, and because the Government does not intend to use Leal-Monroy's post-arrest statements in its case-in-chief. (Gov't's Resp. to Def.'s Post-Hr'g Mem.) [Doc. No. 34]. Leal-Monroy confirmed that he is not challenging pre-arrest statements on constitutional grounds, and therefore agreed that "the matter appears to be moot." (Def.'s Post-Hr'g Reply Mem.) [Doc. No. 36].

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that Defendant Arturo Leal-Monroy's Motion to Suppress Statements, Admissions, and Answers [Doc. No. 22] be **DENIED as moot**.

Dated: July 13, 2018

s/Steven E. Rau
STEVEN E. RAU
United States Magistrate Judge

Notice

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore, not appealable directly to the Eighth Circuit Court of Appeals.

Under D. Minn. LR 72.2(b)(1) "a party may file and serve specific written objections to a magistrate judge's proposed findings and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after objections are filed; or (2) from the date a timely response is filed.